

THE SARACHEK LAW FIRM

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

SEARS HOLDING CORPORATION, *et al.*¹,

Debtors.

Chapter 11

Case No. 18-23538 (RDD)

(Jointly Administered)

**RESPONSE OF AMW VIETNAM CO. LTD. TO DEBTORS'
FOURTH OMIBUS OBJECTION TO PROOFS OF CLAIM**

AMW Vietnam Co. Ltd. (“AMW”), by and through their undersigned counsel, The Saracheck Law Firm, hereby files this response (the “Response”) to the *Debtors’ Fourth Omnibus Objection to Proofs of Claim* (the “Objection”) [Dkt. No. 5030]. In support of the Response, AMW respectfully states as follows:

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are as follows: Sears Holdings Corporation (0798); Kmart Holding Corporation (3116); Kmart Operations LLC (6546); Sears Operations LLC (4331); Sears, Roebuck and Co. (0680); ServiceLive Inc. (6774); SHC Licensed Business LLC (3718); A&E Factory Service, LLC (6695); A&E Home Delivery, LLC (0205); A&E Lawn & Garden, LLC (5028); A&E Signature Service, LLC (0204); FBA Holdings Inc. (6537); Inovel Solutions, Inc. (7180); Kmart Corporation (9500); MaxServ Inc. (7626); Private Brands, Ltd. (4022); Sears Development Co. (6028); Sears Holdings Management Corporation (2148); Sears Home & Business Franchises, Inc. (6742); Sears Home Improvement Products, Inc. (8591); Sears Insurance Services, L.L.C. (7182); Sears Procurement Services, Inc. (2859); Sears Protection Company (1250); Sears Protection Company (PR) Inc. (4861); Sears Roebuck Acceptance Corp. (0535); Sears, Roebuck de Puerto Rico, Inc. (3626); SYW Relay LLC (1870); Wally Labs LLC (None); SHC Promotions LLC (9626); Big Beaver of Florida Development, LLC (None); California Builder Appliances, Inc. (6327); Florida Builder Appliances, Inc. (9133); KBL Holding Inc. (1295); KLC, Inc. (0839); Kmart of Michigan, Inc. (1696); Kmart of Washington LLC (8898); Kmart Stores of Illinois LLC (8897); Kmart Stores of Texas LLC (8915); MyGofer LLC (5531); Sears Brands Business Unit Corporation (4658); Sears Holdings Publishing Company, LLC. (5554); Sears Protection Company (Florida), L.L.C. (4239); SHC Desert Springs, LLC (None); SOE, Inc. (9616); StarWest, LLC (5379); STI Merchandising, Inc. (0188); Troy Coolidge No. 13, LLC (None); BlueLight.com, Inc. (7034); Sears Brands, L.L.C. (4664); Sears Buying Services, Inc. (6533); Kmart.com LLC (9022); Sears Brands Management Corporation (5365); and SRe Holding Corporation (4816). The location of the Debtors’ corporate headquarters is 3333 Beverly Road, Hoffman Estates, Illinois 60179.

Background

1. The Debtors filed their voluntary chapter 11 petitions on October 15, 2018.
2. The Bar Date for filing proofs of claim was April 10, 2019 at 5:00 p.m. eastern time.
3. AMW timely filed their proofs of claim. The list of AMW claims and the dates they were filed is attached as Exhibit A.
4. In the first five proofs of claim filed, AMW distinguished between goods sold to Kmart and goods sold to Sears. The last two proofs of claim filed (743 and 14036) combined both Sears and Kmart claims. While proof of claim 743 references both Sears and Kmart, proof of claim 14036 (“Claim 14036”) only mentions Sears.
5. In the Objection, the Debtors seek to disallow all the proofs of claim filed by AMW except for Claim 14036, which would survive.

Response

6. AMW is concerned that if only Claim 14036 survives and the balance of its claims are expunged, certain of AMW’s rights will be improperly compromised. Claim 14036 does not contain all of the documentation that is set forth in the other claims, particularly as it relates to Kmart.

7. As a result, at this time AMW’s claims should all be allowed with the understanding that AMW will work with the Debtor’s professionals to insure the surviving claims correctly reflect the indebtedness of each debtor.

Reservation of Rights

8. AMW reserves any and all rights to supplement or amend the Response and make any other objections to further relief sought by the Debtors, and any right against the Debtors.

WHEREFORE, AMW respectfully requests that the Court enter an order denying the relief requested in the Objection as to AMW's claims.

Date: New York, NY
September 19, 2019

Respectfully submitted,

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EXHIBIT A

Claim	Date	Entity	Unsecured	Admin	Total
480	10/18/18	Kmart Corporation	145,974.75	-	145,974.75
520	10/19/18	Sears, Roebuck and Co.	277,837.54	-	277,837.54
542	10/18/18	Sears, Roebuck and Co.	150,658.50	-	150,658.50
605	10/18/18	Kmart Corporation	89,627.85	-	89,627.85
607	10/19/18	Sears, Roebuck and Co.	284,499.60	-	284,499.60
743	10/17/18	Sears Holdings Corporation	740,831.63	207,644.39	948,476.02
14036	4/4/19	Sears	693,157.91	314,760.69	1,007,918.60